

ORIGINAL

Hazardous Materials Advisory Council

DEPT. OF TRANSPORTATION
DOCKETS

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May 18, 1999

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Dockets Management Facility

U.S. Department of Transportation

Room PL 401

400 7th Street, S.W.

Washington, DC 20590

Re: USCG-1998-4302, "Handling of Class 1 Materials
or Other Dangerous Cargoes within or Contiguous to
Waterfront Facilities" 13

Dear Lieutenant Cornmander Farthing:

HMAC is an international, non-profit, educational organization devoted to promoting safety in the domestic and international transportation and handling of hazardous materials, substances and wastes. HMAC represents shippers, carriers of all modes, container manufacturers and reconditioners, emergency response and waste clean-up companies, and a variety of other companies and trade associations involved in the field of hazardous materials transportation.

In our review of this rulemaking on the loading and unloading of Class 1 and other dangerous cargoes at waterfront facilities, we have some concerns that the specific loading/unloading requirements are not stated in Part 126 for large shipments of Class 1 material. As a result, the Captain of the Port relies on the Marine Safety Manual for guidance and generally applies the Department of Defense (DOD) quantity-distance standards contained in the Manual. It is our understanding that those standards were developed by DOD primarily for storage of military explosives. Applying the standards to vessels substantially limits the quantity of Class 1 that can be aboard the vessel at commercial ports. We would urge the Coast Guard, in conjunction with explosives experts, to examine the quantity-distance standards for applicability to commercial waterfront facilities and determine whether revisions can be made that would safely permit the loading/unloading of Class 1 materials in greater quantities. We would further suggest this issue be the subject of a separate rulemaking as that would afford all interested parties an opportunity to participate.


With respect to identifying the quantity of Class 1 material, we recommend that the "Net Explosive Quantity" be selected as the quantity trigger since this is the more commonly used indicator of the actual amount of explosives present.

Finally, we note that the ocean transportation industry is changing significantly with larger containerships carrying greater volumes of cargo which are handled by harbor port

facilities. We expect this evolution to continue and suggest these greater volumes be considered in determining the thresholds requiring notification.

HMAC appreciates the opportunity to submit these comments on this proposed rule. If you should have any questions on the issues we have raised, please feel free to contact HMAC at 202-289-4550.

Sincerely,



Jonathan Collom
President